

**JCWSCS 09 NOV 2004****OBLON****SPIVAK****McCLELLAND****MAIER****&****NEUSTADT****P.C.**

ATTORNEYS AT LAW

1940 DUKE STREET  
ALEXANDRIA, VIRGINIA 22314

(703) 413-3000

(703) 413-2220 FACSIMILE

OBLONPAT@OBLON.COM

WWW.OBLON.COM

**FACSIMILE**PLEASE CALL US AT (703) 413-3000 IF THE MESSAGE YOU RECEIVE IS INCOMPLETE OR NOT LEGIBLE

I hereby certify that this correspondence is being facsimile transmitted to:

**OIPE CUSTOMER SERVICE**

(703) 308-7751

on Date: Nov. 3, 2004Signature: Joseph Scafetta Jr.Total number of pages including this page: 15Joseph Scafetta, Jr.Registration No. 26,803Dept.: E/MBy: SPW/E/M/sscOSMM&N File No. 239215US26Serial No. 10/600,656In the matter of the Application of: Yasuo NODA, et al.For: SOLID OXIDE FUEL CELL**Due Date: December 15, 2004**

- **COPY of Combined Declaration, Petition & Power of Attorney** 4 Pages filed Oct. 28, 2003
- **Dep. Acct. Order Form**
- **Cover Letter**
- **COPY of Filing of Declaration Under 37 CFR 1.53(f) filed October 28, 2003**
- **Notice of Abandonment Under 37 1.53 (f) or (g)**
- **COPY of Dated-Stamped Filing Receipt (stamped October 28, 2003)**
- **Request for Withdrawal of Holding of Abandonment**
- **COPY of Notice to File Missing Parts (dated August 28, 2003)**
- **COPY of Cover Letter filed October 28, 2003**

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our Expense. Thank You.

Docket No.: 239215US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/600,656

Applicants: Yasuo NODA, et al

Filing Date: June 23, 2003

For: SOLID OXIDE FUEL CELL

Group Art Unit: 1746

Examiner:

SIR:

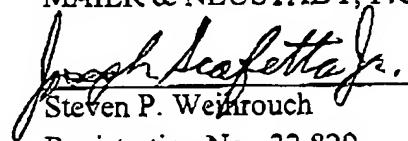
Attached hereto for filing are the following papers:

Notice of Abandonment Under 37 CFR 1.53(f) or (g), Request for Withdrawal of Holding of Abandonment, Copy of Date-stamped Filing Receipt filed on October 28, 2003, Copy of Combined Declaration, Petition & Power of Attorney, Copy of PTO Cover Letter, Copy of Notice to File Missing Parts of Nonprovisional Application and Copy of Filing of Declaration Under 37 CFR 1.53(f) filed October 28, 2003, Copy of Cover Letter filed October 28, 2003

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch

Registration No. 32,829

Joseph Scafetta, Jr.

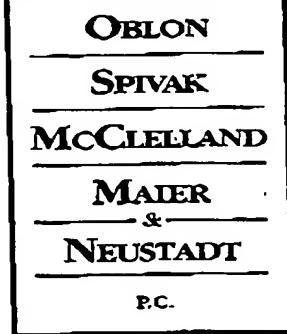
Registration No. 26,803

Robert T. Pous

Registration No. 29,099

Customer Number

22850

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

ATTORNEYS AT LAW

STEVEN P. WEIHROUCH  
(703) 413-3000  
SWEIHROUCH@OBLON.COM

ROBERT T. POUS  
(703) 413-3000  
RPOUS@OBLON.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,656	06/23/2003	Yasuo Noda	23921SUS26

**CONFIRMATION NO. 6183  
ABANDONMENT/TERMINATION  
LETTER**

22850  
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

\*OC000000014098537\*  
\*OC000000014098537\*

Date Mailed: 10/15/2004

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/28/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

RECEIVED: 10/18/04  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.

**DOCKETING DEPT.**

Initials/Date Docketed: 10/18/04  
Type of Resp(s): Att fo u/s  
Due Date(s): 12/15/04

Z-MQSS

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

**Notice of Abandonment**

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 08/28/03.

**Petition to Withdraw the Holding of Abandonment**

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 543);

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

**Petition to Revive an Abandoned Application**

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

DOCKET NO: 239215US26

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

YASUO NODA, ET AL.

SERIAL NO: 10/600,656

FILED: JUNE 23, 2003

FOR: SOLID OXIDE FUEL CELL

: EXAMINER:

: GROUP ART UNIT: 1746

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment dated October 15, 2004, Applicants herewith request withdrawal of said abandonment for the following reasons:

A Notice to File Missing Parts was mailed on August 28, 2003, with a shortened statutory period of 2 months, to expire on October 28, 2003.

Enclosed herewith is a copy of the date-stamped filing receipt evidencing filing of the Declaration on October 28, 2003. In order to expedite prosecution, Applicants' Attorney is submitting a signed, certified copy of the Filing of Declaration and Declaration.

It is believed that the above discussion and documents enclosed herewith clearly prove that a timely response to the Notice to File Missing Parts was filed and therefore, the holding of abandonment was issued in error.

Application No. 10/600,656

Reply to Office Action dated: August 28, 2004

Accordingly, it is requested the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch  
Attorney of Record  
Registration No. 32,829

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)

Robert T. Pous  
Registration No. 29,099

Joseph Scafetta, Jr.  
Registration No. 26,803

NOV. 3. 2004- 3:50PM 6th FLOOR COPY ROOM

NO. 904 P. 8

Dept.: C:

By: MJS/JKP/ils

OSMM&N File No. 239215US2

Serial No. 10/600,656

In the matter of the Application of: Yasuo NODA, et al.

For: SOLID OXIDE FUEL CELL

Due Date: October 28, 2003

The following has been received in the U.S. Patent Office on the date stamped hereon:

■ Combined Declaration, Petition & Power of Attorney 4 Pages (executed)

■ Dep. Acct. Order Form

■ PTO Cover Letter

■ Notice To File Missing Parts of Nonprovisional Application (Return Copy)

■ Filing of Declaration Under 37 CFR 1.53(f)





ATTN: APPLICATION BRANCH

ATTORNEYS AT LAW

**THIS IS A RESPONSE TO A  
NOTICE TO FILE MISSING  
PARTS OF AN APPLICATION**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

Re: Inventor: Yasuo NODA, et al.  
Serial No: 10/600,656  
Filed: June 23, 2003  
For: SOLID OXIDE FUEL CELI.

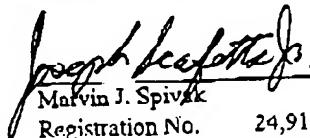
SIR:  
Attached hereto for filing are the following papers:

Notice To File Missing Parts of Nonprovisional Application (Return Copy)  
Filing of Declaration Under 37 CFR 1.53(f)  
Declaration and Power of Attorney (4 pages executed)

Our check in the amount of \$0.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Marvin J. Spivak  
Registration No. 24,913

Joseph Scafetta, Jr.  
Registration No. 26,803  
Registration No. 41,253

Docket No. 239215US2

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

**BEST AVAILABLE COPY**

Docket No. 239215US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Yasuo NODA, et al.

SERIAL NUMBER: 10/600,656

ATTN: APPLICATION BRANCH

FILING DATE: June 23, 2003

**BEST AVAILABLE COPY**

FOR: SOLID OXIDE FUEL CELL

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated August 28, 2003, and in accordance with the provisions of 37 CFR 1.53(f),  
Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable  
action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Marvin J. Spivak

Registration No. 34,913

Joseph Scafetta, Jr.  
Registration No. 26,803  
John K. Pike, PH.D.  
Registration No. 41,253

Customer Number

22850

Tel. (703) 413 3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

Page 1 of 1

**BEST AVAILABLE COPY**UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/600,656	06/23/2003	Yasuu Noda	239215US2

CONFIRMATION NO. 8183  
**FORMALITIES LETTER**  
  
 \*OCOOND00010774045\*

Date Mailed: 08/28/2003

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

---

*A copy of this notice MUST be returned with the reply.*

*[Handwritten signature]*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 2 - COPY TO BE RETURNED WITH RESPONSE